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10/698,189	10/30/2003	Ran M. Oz	P-71659-US1	9908
49443 7590 12/08/2009 Pearl Cohen Zedek Latzer, LLP 1500 Broadway 12th Floor New York, NY 10036				
EXAMINER				
SAINT CYR, JEAN D				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/698,189

Applicant(s)

OZ ET AL.

Examiner

JEAN D. SAINT CYR

Art Unit

2425

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 August 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-9 and 11-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-9 and 11-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB06)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ ~~Notes of Informal Patent Application~~
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

This action is in response to applicant's amendment filed on 08/26/2009. Claims 1, 3-9, 11-27 are still pending in the current application. Claims 2 and 10 are cancelled. **This action is made NON- FINAL.**

Response to Arguments

Applicant's arguments with respect to claims 1, 3-9, 11-27 have been considered but are moot in view of the new ground(s) of rejection. Claims were amended to overcome the 101 rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-9, 11-21, 23-25, 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gordon et al in view of Porter et al, US No. 5864682.

Re claim 1, Gordon et al disclose a method for providing media streams, the method comprising the steps of (see fig.1):

receiving live media streams at a first path(see fig.1, the information server 108 is coupled to the video session manager 122 via data path 116, synchronization clock path 118, col.4, lines 6-8; the video data is produced by an encoder 200 as two streams, col.3, lines 49-50 a stream containing a real-time bitstream of encoded video information that is to be broadcast to the subscribers, col.3, lines 51-53; Video session

manager; the video session manager contains its own central processing unit and associated memory that provides functionality for the graphical user interfaces through which the consumer interacts with the system, col.3, lines 60-64);

providing a live media stream from the first path to a client, in response to a request to provide the live media stream to the client(the specific data streams are provided in response to requests for information,col.4, lines 10-11; the first is a stream containing a real-time bitstream of encoded video information that is to be broadcast to the subscribers, col.3, lines 51-53);

retrieving media related information that comprises data structures that assist in constructing non-live media stream (the video session manager 122 responds to requests from the subscriber equipment 106 for interactive menus and data streams by requesting the server 108 to provide such information, then communicating that information to the requesting subscriber equipment, col.4, lines 33-37; the second is a stream containing a non-real-time bitstream of encoded video information that is stored by the information server to facilitate VCR-like functions, col.3, lines 53-56);

online generating a non-live media stream , by utilizing the media related information, in response to a request to provide the non-live media stream to a client (the subscriber may, at any time during the broadcast, elect to review content of the broadcast that was previously displayed. Upon electing to review, the system transmits the storage bitstream to the subscriber in a pointcast manner, col.2, lines 18-22; second is a stream containing a non-real-time bitstream of encoded video information that is stored by the information server, col.3, lines 54-56; the cable transport subsystem 104 can be any one of a number of conventional broad band communications networks that are available such as a fiber optic network, a telephone network, existing cable television network and the like, col.4,lines 41-45; that means a non-line media stream can be generated online with the broadband communications networks).

But did not explicitly disclose wherein the path comprises a video pump coupled to a data acquisition unit; providing the non-live media stream from a second path to the client, wherein the second path comprises the video pump and a media server being coupled to each other by a network link that differs from a network link of the first path.

However, Porter et al disclose wherein the path comprises a video pump coupled to a data acquisition unit; providing the non-live media stream from a second path to the client, wherein the second path comprises a network link that differs from a network link of the first path (see fig.1b; the video pump 130 is coupled to the stream server 110 and receives commands from the stream server 110; col.5, line 67; col.6, lines 1-2; see fig.1b, network 120 and network 150;).

It would have been obvious for any person of ordinary skill in the art at that time the invention was made to incorporate the teaching of Porter into the invention of Gordon for the purpose allowing the system to use two different networks to transmit live and non-live contents.

Re claim 3, Gordon et al did not explicitly disclose wherein the second path comprises a media server and a media pump being coupled to each other by a bandwidth limited link.

However, Porter et al disclose wherein the second path comprises a media server and a media pump being coupled to each other by a bandwidth limited link(see fig.1b; the bandwidth between video pump 130 and its clients is limited).

It would have been obvious for any person of ordinary skill in the art at that time the invention was made to incorporate the teaching of Porter into the invention of Gordon for the purpose of controlling the amount of data that could be transmitted between the video pump and the server.

Re claim 4, Gordon et al disclose wherein the media related information comprises information indicative of a location of a stored media stream and wherein the generating of a non-live media stream further comprises a determination of which frames of the stored media stream to fetch from the first path(see fig.4, address information; col.6, lines 40-44, recall order of the frames from the buffer and the multiplexing process are controlled by controller 110 by addressing the buffer,col.6, lines 29-32)

Re claim 5, Gordon et al teach wherein the non-live media stream is MPEG compliant (produces MPEG-2 complaint, col.2, line 28).

Re claim 6, Gordon et al teach wherein the non-live media stream is a trick mode media stream (see fig.2, element 208, trick play stream; the exemplary trick play streams are fast forward and fast reverse, col.5, line 45-46).

Re claim 7, Gordon et al teach further comprising a step of providing a live media stream from the first path to a client, in response to a request to provide a slightly delayed media stream to the client (The viewer merely depresses a "rewind" or reverse button on a remote control and the VOD system accesses the stored event files and "plays" the fast reverse bitstream, col.2, lines 61-64; an alternative to requiring the subscriber to fast forward to catch up to the broadcast stream is to provide a "catch" button that, when depressed, causes the subscriber terminal to instantly transition from decoding the storage bitstream to decoding the broadcast bitstream, col.8, lines 29-33; that means users can still receive live media stream in the first path even when there is some delay in their connection).

Re claim 8, Gordon et al disclose further comprising converting live media streams to, non-live media streams (see fig.1, the data storage stores the live media stream).

As claim 9, the claimed " a first path comprising a video pump coupled to a data acquisition unit, wherein the first path is utilized for receiving live media streams and for providing a live media stream to a client, in response to a request to provide the live media stream to the client..." is composed as the same structural elements as previously discussed with respect to claim 1.

Re claim 11, Gordon et al did not explicitly disclose wherein the second path comprises a media server and a media pump being coupled to each other by a bandwidth limited link.

However, Porter et al disclose wherein the second path comprises a media server and a media pump being coupled to each other by a bandwidth limited link(see fig.1b; the bandwidth between video pump 130 and its clients is limited).

It would have been obvious for any person of ordinary skill in the art at that time the invention was made to incorporate the teaching of Porter into the invention of Gordon for the purpose of controlling the amount of data that could be transmitted between the video pump and the server.

Re claim 12, Gordon et al disclose wherein the media related information comprises portions of the non-live media stream (rewatch a previously viewed portion of the real-time event, col.2, lines 60-61).

Re claim 13, Gordon et al teach wherein the non-live media stream is MPEG compliant media stream (produces MPEG-2 complaint, col.2, line 28).

Re claim 14, Gordon et al teach wherein the non-live media stream is a trick mode media stream (see fig.2, element 208, trick play stream; the exemplary trick play streams are fast forward and fast reverse, col.5, line 45-46).

Re claim 15, Gordon et al teach further comprising a step of providing a live media stream from the first path to a client, in response to a request to provide a slightly delayed media stream to the client (The viewer merely depresses a "rewind" or reverse button on a remote control and the VOD system accesses the stored event files and "plays" the fast reverse bitstream, col.2, lines 61-64; an alternative to requiring the subscriber to fast forward to catch up to the broadcast stream is to provide a "catch" button that, when depressed, causes the subscriber terminal to instantly transition from decoding the storage bitstream to decoding the broadcast bitstream, col.8, lines 29-33; that means users can still receive live media stream in the first path even when there is some delay in their connection.

As claim 16, the claimed " a video pump interface, coupled to the output of the acquisition unit via a first path..., wherein the second path comprises a network link that differs from a network link of the first path..." is composed as the same structural elements as previously discussed with respect to claim 1.

Re claim 17, Gordon et al disclose wherein the video pump is operable to fetch selected portions of the data stored at the media storage and management entity(the video session manager accomplishes all of the transmission interface requirement of the system, col.4, lines 17-18; the video session manager interprets each command set from terminal through the back channel and instructs the information server to perform certain function to implement the consumer/ subscriber request, col.5, lines 7-10).

Re claim 18, Gordon et al teach wherein the video pump is further operable to transmit retrieved data over a network to the end-user (see fig.1, where the video session manager is connected to the cable subsystem and to the subscriber equipment; the cable transport subsystem can be any one of a number of conventional broad band communications networks, col.4, lines 41-43).

As claim 19, the claimed "providing the non-live media stream from a second path to the client, wherein the second path comprises the video pump and a media server being coupled to each other by a network link that differs from a network link of the first path..." is composed as the same structural elements as previously discussed with respect to claim 1.

Re claim 20, Gordon et al disclose wherein the generating comprises generating at least the portion of the non-live media stream by converting the live media stream to provide at least the portion of the non-live media stream (the subscriber may watch an event in real-time, then elect to "rewatch" a previously viewed portion of the real-time event, col.2, lines 58-62).

Re claim 21, Gordon et al disclose wherein the receiving further comprises receiving a live media stream from a first media source, and wherein the retrieving comprises retrieving media related information from a second media source that is different from the first media source(see fig.1, source video and information server).

Re claim 23, Gordon et al disclose wherein the converting comprises converting a live media stream to a non-live media stream that substantially includes intra coded frames of the live media stream and duplicating frames (see fig.3).

Re claim 24, Gordon et al disclose wherein the second path is further operable to generate at least the portion of the non-live media stream by converting the live media stream to provide at least the portion of the non-live media stream (see fig.2).

Re claim 25, Gordon et al disclose wherein the first path is operable to receive a live media stream from a first media source, and wherein the second path is further operable to retrieve media related information from a second media source that is different from the first media source(see fig.1, source video and information server).

Re claim 27, Gordon et al disclose wherein the media storage and management entity is adapted to convert a live media stream to a non-live media stream that substantially includes the intra coded frames of at least a portion of the live media stream, and duplicating frames(see fig.3; the viewer merely depresses a "rewind" or reverse button on a remote control and the VOD system accesses the stored event files and "plays" the fast reverse bitstream, col.2, lines 61-64; that means transforming the stream).

Claims 22, 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gordon et al in view of Porter further in view of Zimmermann et al, US No. 20030161302.

Re claim 22, Gordon et al did not explicitly disclose further comprising storing non-live media streams at the video pump, providing a first portion of the non-live media stream from the video pump to the client, and providing a second portion of the non-live media stream from the media server, wherein the generating comprises generating the second portion of the non-live media stream.

However, Zimmermann et al disclose Each of the plurality of nodes may be to store segments of the data stream and to transmit the segments of the data stream in a sequence according to a scheduler module on the respective node,0026.

It would have been obvious for any person of ordinary skill in the art at that time the invention was made to incorporate the teaching of Zimmermann into the invention of Gordon as modified by Porter for the purpose allowing the system to receive segments of the same content from different servers.

Re claim 26, is met as previously discussed with respect to claim 22.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean Duclos Saintcy whose phone number is 571-270-

3224. The examiner can normally reach on M-F 7:30-5:00 PM EST. If attempts to reach the examiner by telephone are not successful, his supervisor, Brian Pendleton, can be reached on 571-272-7527. The fax number for the organization where the application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Retrieval (PAIR) system. Status information for published applications may be obtained from either private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, dial 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jean Duclos Saintcy /

/James Sheleheda/

Primary Examiner, Art Unit 2424